



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Fifth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3389 of 2018

1 PERIYASAMY

2 ANNAVI

... PETITIONERS/ACCUSED No.2 & 3

Vs

STATE REP BY

THE INSPECTOR OF POLICE

MUSIRI POLICE STATION, TRICHY DISTRICT,

IN CRIME NO.15/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.A.JOEL PAUL ANTONY Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,

Govt. Advocate (Crl. Side)

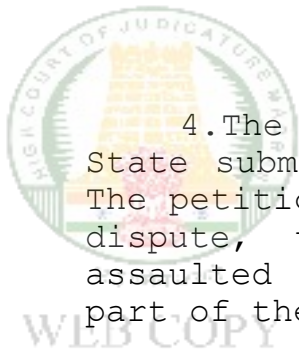
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners / A-2 & A-3, who were arrested and remanded to judicial custody on 08.01.2018 and 12.01.2018 respectively, for the offence punishable under Sections 294(b), 324, 307, 506(ii) and 302 I.P.C., in Crime No.15 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to property dispute, on 17.01.2018, the petitioners and the first accused in this case assaulted the defacto complainant's husband, with aruval and knife, due to which, the defacto complainant's husband died in the Government hospital, Trichy. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case. They have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in judicial custody from 08.01.2018 and 12.01.2018, respectively, onwards. Hence, he prays for bail.



4.The learned Government Advocate (Crl.side) appearing for the State submitted that totally there are three accused in this case. The petitioners herein are arrayed as A2 and A3. Due to the property dispute, the petitioners and the first accused in this case assaulted the deceased by using with aruval. According to him, part of the investigation is completed.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, due to property dispute, the petitioners and another one accused assaulted the deceased by using the aruval and knife and committed the offence of murder. According to prosecution, as of now, a part of the investigation is completed. The petitioners are in juridical custody from 08.01.2018 and 12.01.2018 respectively. Even though, the charge sheet has not been filed, considering the period of incarceration of the petitioners, further custodial interrogation of the petitioners may not be necessary for completing the investigation.

6.Therefore, considering the above facts and circumstances, this Court is inclined to grant bail to the petitioners. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Musiri.

(ii)the petitioners are directed to appear before the respondent police daily at 10.00 a.m. until further orders.

(iii)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
05/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1 THE JUDICIAL MAGISTRATE,
MUSIRI

2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE
MUSIRI POLICE STATION, TRICHY DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

+1. CC to M/S.A.JOEL PAUL ANTONY Advocate SR.No.3486

ORDER

IN

CRL OP (MD) No.3389 of 2018

Date :05/03/2018

SMA/CM-VR/SAR-4/06.03.2018:3P/7C